

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-10375-RWZ
)
 MICHAEL PRIDGEN)

DEFENDANT'S REQUESTED
VOIR DIRE OF PROSPECTIVE JURORS

Defendant, Michael Pridgen, respectfully moves, pursuant to Fed. R. Crim. P. 24(a), that in an effort to obtain a fair and impartial jury, this Court utilize the attached juror questionnaire which addresses racial bias or prejudice. The defendant further moves that this Court ask the following general questions of the venire, and then conduct individual questioning of the venire where warranted based on jurors' answers to the questionnaire and to this Court's general questions (Part I).

If the Court does not allow defendant's motion for a juror questionnaire, defendant requests that the Court conduct an individualized examination of the prospective jurors on the question of their attitudes toward race (Part II).

PART I

1. On October 29, 2004, there was a shooting in front of the Roxbury District Court; shots were fired but no one was hit. The government claims that in connection with this incident, Mr. Pridgen illegally possessed a loaded revolver. Do you have any reaction to this charge, or to facts like these, that might make it difficult for you to be fair or impartial in this case?
2. Do you think the fact that this case involves a firearm might make it difficult for you to

evaluate the evidence in this case fairly and impartially?

3. Mr. Pridgen is charged with illegally possessing a gun after having been previously convicted of a crime carrying a possible term of imprisonment of more than one year. Is there anything about this charge that makes you question your ability to be fair and impartial in listening to the evidence in this case?
4. Would you tend to think that a police officer is more credible than a civilian witness?
5. Under our system of law, a defendant in a criminal case has a guaranteed right to be considered innocent until proven guilty. Do you think a defendant in a criminal trial should have to prove his innocence?
6. The presumption of innocence means that Mr. Pridgen does not have to prove his innocence. Mr. Pridgen has an absolute right not to testify. Would you hold it against Mr. Pridgen in any way if he did not testify?
7. Mr. Pridgen is presumed innocent unless the government proves to each member of the jury that he is guilty, beyond a reasonable doubt. If the government fails to convince each juror beyond a reasonable doubt of each of the elements of the offense charged, the defendant must be found not guilty. Do you question or doubt in any way your ability to accept the presumption of innocence?
8. Have you, your spouse or any member of your family, ever been the victim of a crime?
9. Do you have any relatives who are members of any police force, law enforcement agency, prosecutor's office or security agency?
10. Have you, your spouse, or any member of your family, ever been a witness to a crime?
11. Have any newspaper articles, television reports, or media coverage about crime,

shootings, violence, or firearms affected you in a way that might make it difficult for you to decide this case solely upon the evidence produced at trial?

PART II

Defendant submits that, if his request for a jury questionnaire is denied, the Court should make individualized inquiry of the remaining prospective jurors on the sensitive subject of their possible preconceived opinions about the character or credibility of certain classes of people and their attitudes about the nature of the criminal charges:

1. You have no legal obligation to like or feel comfortable with a black person but you do have an obligation to tell the court your feelings candidly and accurately. Do you have any feelings or opinions about black people that would cause you to question your ability to be impartial in evaluating the evidence in this case?
2. Would the fact that Mr. Pridgen is a black man make it difficult for you to presume that he is innocent?
3. Do you believe that black men are more likely than members of other races to commit crimes?

Michael Pridgen
By his attorney,
/s/ Page Kelley
Page Kelley
#548237
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02110
Tel: 617-223-8061

June 7, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 7, 2006.

/s/ Page Kelley

Page Kelley

Juror Number _____

General Instructions for Completing Questionnaire

This questionnaire is being used to assist in jury selection in the case of United States of America v. Michael Pridgen.

Mr. Pridgen is a black man.

Please answer all questions below completely and truthfully. Your answers will be used only for the purpose of selecting a jury in this case. There are no right or wrong answers to these questions. Please keep in mind that you are answering these questions under oath and must be truthful.

1. You have no legal obligation to like or feel comfortable with a black person but you do have an obligation to tell the court your feelings candidly and accurately. Do you have any feelings or opinions about black people that would cause you to question your ability to be impartial in evaluating the evidence in this case?

2. Do you believe that black men are more likely than members of other races to commit crimes?